

## LABOUR DEPARTMENT

The 18th August, 1970.

No. 7107-4Lab-70/26800.—The Governor of Haryana is pleased to publish for the convenience of employers and workmen intending to refer their industrial disputes under Section 10-A of the Industrial Disputes Act, 1947 a State Penal of Arbitrators and District Penal of Arbitrators for reference of such disputes falling within the State sphere. The cases referred to Arbitrators will be decided within a period of two months from the date of notification in the official Gazette.

## STATE PENAL OF ARBITRATORS

Serial No.	Name of the Arbitrator	Address
1	Shri M. Kuttappan, I.A.S.	Labour Commissioner, Haryana
2	Shri D. A. Karan	Chief Commissioner, Haryana
3	Shri M. K. Jain	Deputy Labour Commissioner, Haryana
4	Shri J.D. Mehta	Deputy Labour Commissioner, Haryana
5	Shri R. K. Jain	Certifying Surveyor and Deputy Chief Inspector of Factories, Haryana
6	Shri C. L. Sawhney	M/s K. Sweetline Electric Corp. Faridabad
7	Shri M. L. Manchanda	M/s M.L. Manchanda & Co. N.I.T. Faridabad
8	Shri B. N. Jain	M/s Nueen Plastics Ltd. N.I.T. Faridabad
9	Shri B.K. Jriwal	M/s Hydabad Asbestos Cement Products Faridabad
10	Shri Shanker Dass Kapoor	Factory Manager M/s Atlas Cycle Industries, Sonapat
11	Shri J.D. Verma	Principal Government College, Hissar
12	Shri G.C. Joshi	General Secretary, I.N.T.U.C. Yamuna Nagar
13	Shri Satish Loomba	General Secretary, A.I.T.U.C. 24 Canning Lane, New Delhi
14	Shri Rajeshwar Nath	President, Hind Mahadoot Sabha, 2655 Timber Market, Ambala Cantt.
15	Shri Jai Gopal	1557 Industrial Estate, Yamuna Nagar
16	Shri Jawala Dass	Retired District and Session Judge, House No. 3294, Sector 19-D, Chandigarh
17	Shri Gian Chand Behl	Retired District and Session Judge, House No. 532, Sector 20-D, Chandigarh
18	Shri P. N. Thukral	Presiding Officer, Industrial Tribunal Haryana, Faridabad
19	Shri Banarsi Dass Gupta, M.L.A.	General Secretary, P.C.U. Vijai Nagar, Bhiwani
20	Shri Ram Saran Chand Mittal	Ex-L. Govt. Minister & Advocate, Narnaul
21	Shri T. N. Kapoor	Head of Commerce Department Punjab University, Chandigarh
22	Shri D.D. Sharma, I.A.S.	Joint Secretary Planning & Finance Haryana, Chandigarh
23	Shri P.N. Puri	Deputy Labour Commissioner (Retd), House No. 3346, Sector-21, Chandigarh
24	Shri A. N. Bhandari	Retired Chief Justice Punjab High Court, Chandigarh

Serial No.	Name of the Arbitrator	Address
------------	------------------------	---------

### DISTRICT PENAL OF ARBITRATORS

#### (A) Yamuna Nagar Circle—

1	Shri M. Kuttappan, I.A.S.	Labour Commissioner, Haryana
2	Shri D. A. Karan	Chief Conciliation Officer, Haryana
3	Shri M.K. Jain	Deputy Labour Commissioner, Haryana
4	Shri J.D. Mehta	Deputy Labour Commissioner, Haryana
5	Shri R.K. Jain	Certifying Surgeon and Deputy/Chief Inspector of Factories, Haryana
6	Shri Sham Lal Sharma	Labour Officer-Cum-Conciliation Officer, Yamuna Nagar
7	Shri M.S. Tyagi	General Manager, Shree Gopal Paper Mills, Yamuna Nagar
8	Shri G.C. Joshi	General Secretary, I. N. T. U. C., Haryana, Yamuna Nagar
9	Shri Jai Gopal	Hind Mazdoor Sabha, E 57, Industrial Area, Yamuna Nagar
10	Shri Madhu Sudan Saran Gowshish	Lath Marain Mohalla, Jagadhri

#### (B) Karnal Circle—

1	Shri M. Kuttappan, I.A.S.	Labour Commissioner, Haryana
2	Shri D. A. Karan	Chief Conciliation Officer, Haryana
3	Shri M. K. Jain	Deputy Labour Commissioner, Haryana
4	Shri J. D. Mehta	Deputy Labour Commissioner, Haryana
5	Shri R. K. Jain	Certifying Surgeon and Deputy Chief Inspector of Factories, Haryana
6	Shri Dharmindera Nath	Labour-cum Conciliation Officer, Karnal
7	Shri Ram Lal Chaudhry	Secretary, the Karnal Kithal Coop. Transport Society Ltd, Karnal
8	Shri Jai Narain Goel	Haryana Woollen & General Mills (P) Ltd, Panipat
9	Shri Ram Kishan Azad	Ex. M.L.A., Karnal
10	Shri Harbans Lal	Office Secretary, Karnal General Transport Workers Union, Karnal
11	Shri Madan Lal	General Secretary, District Motor Transport Workers Union, Karnal

#### (C) Sonapat Circle—

1	Shri M. Kuttappan, I.A.S.	Labour Commissioner, Haryana
2	Shri D.A. Karan	Chief Conciliation Officer, Haryana
3	Shri M. K. Jain	Deputy Labour Commissioner, Haryana

Serial No.	Name of Arbitrator	Address
<i>Sonepat Circle -continued</i>		
4	Shri J.D. Mehta	Deputy Labour Commissioner, Haryana
5	Shri R.K. Jain	Certifying Surgeon and Deputy Chief Inspector of Factories, Haryana
6	Shri Kanwal Singh	Labour-cum-Conciliation Officer, Sonapat
7	Shri Manohar Lal Aggarwal	Sonepat
8	Shri Behari Lal	Manufacturers Association, Sonapat Industrial Area, Sonapat
9	Shri Shankar Dass Kapoor	Factory Manager, Atlas Cycle Industries, Ltd., Sonapat
10	Shri Bal Kishan Aggarwal	President, Manufacturing Association, Sonapat
11	Shri R. D. Shastri	I.N.T.U.C., Sonapat
12	Shri S. N. Vats	Bhiwani Bus Stand, Rohtak.
13	Shri Jaswant Singh	President, Haryana Roadways Workers Union, Rohtak
<i>(D) Gurgaon Circle --</i>		
1	Shri M. Kutappa, I.A.S.	Labour Commissioner, Haryana
2	Shri D.A. Karan	Chief Conciliation Officer, Haryana
3	Shri M. K. Jain	Deputy Labour Commissioner, Haryana
4	Shri J.D. Mehta	Deputy Labour Commissioner, Haryana
5	Shri R.K. Jain	Certifying Surgeon and Deputy Chief Inspector of Factories, Haryana
6	Shri D. A. Lal Conciliation	Labour-Cum-Conciliation Officer, Gurgaon
7	Shri S. P. Verma	M/S Jawala Textile Mills, Gurgaon
8	Shri R. K. Jain	Prop. Enkay (India) Rubber Co., Gurgaon
9	Shri Sant Singh	M/S Model Coop. Transport Society, Gurgaon
10	Shri C. B. Kaushik	General Secretary Textile Mazdoor Union, Gurgaon
11	Shri R. S. Chawla	M/S Ego Metal works, Gurgaon
12	Shri Sharda Nand	General Secretary, Textile Mill Mazdoor Union 214, Four Marla Colony, Gurgaon
<i>(E) Bhiwani Circle --</i>		
1	Shri M. Kutappa, I. A. S.	Labour Commissioner Haryana
2	Shri D. A. Karan	Chief Conciliation Officer, Haryana
3	Shri M. K. Jain	Deputy Labour Commissioner, Haryana
4	Shri J. D. Mehta	Deputy Labour Commissioner, Haryana
5	Shri R. K. Jain	Certifying Surgeon and Deputy Chief Inspector of Factories, Haryana

Serial No.	Name of Arbitrator	Address
6	Shri R. J. Ambwani	Labour cum Conciliation Officer, Bhiwani
7	Shri V. K. Khanna	General Manager, Hissar Textile Mills, Hissar
8	Shri P. D. Makharja	General Manager, T. I. T. Mills, Bhiwani
9	Shri Banarsi Das Gupta, M.L.A.,	General Secretary, H. P. C. C. Vijai Naggar, Bhiwani
10	Shri Makhan Singh	General Secretary, Haryana State Committee of A. I. T. U. C., Bhiwani

## (F) Faridabad Circle—

1	Shri M. Kuttappan, I.A.S.	Labour Commissioner, Haryana
2	Shri D. A. Karan	Chief Conciliation Officer, Haryana
3	Shri M. K. Jain	Deputy Labour Commissioner, Haryana
4	Shri J. D. Mehta	Deputy Labour Commissioner, Haryana
5	Shri R. K. Jain	Certifying Surgeon and Deputy Chief Inspector of Factories, Haryana
6	Shri Ram Sarup	Labour-cum-Conciliation Officer, Faridabad
7	Shri Rajan Nanda	M/s Escort Limited, Faridabad
8	Shri C. L. Sawhney	M/s K. Streetlite Electric Corp., Faridabad
9	Shri B.N. Jain	M/s Nuchem Plastics Ltd. Faridabad
10	Shri L. C. Malhotra	M/s Bata Shoe Company, Faridabad
11	Shri Ranjit Bhandhari	M/s J.M.A. Industries (P) Ltd, Faridabad
12	Shri R.P. Aggarwal	Chief Executive Indian Abrasives Industrial Area, Faridabad
13	Shri Darshan Singh	Textile Mazdoor Union, Faridabad
14	Shri Amar Singh Sharma	General Secretary, I.N.T.U.C. Mazdoor Council Market No. Faridabad
15	Dr. Krishan Gopal	General Secretary, Hardware Mazdoor Sangh C/o Bharatya Mazdoor Sangh, 2D/50, Faridabad

2. No remuneration will be paid by Government.

The 11th September, 1970

No. 8045-1Lab-70/27040.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal Haryana, Faridabad in respect of the dispute between the workmen and the management of M/s Oxford Pencil Industries, Bahadurgarh.

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD

Reference No. 60 of 1970

between

SHRI KEWAL SINGH WORKMAN AND THE MANAGEMENT OF M/S OXFORD PENCIL  
INDUSTRIES, BAHADURGARH

*Present.*—Shri Rajinder Singh for the workman.

Nemo for the management.

## AWARD

Shri Kewal Singh was in the service of M/s Oxford Pencil Industries, Bahadurgarh. His services were terminated and this gave rise to an industrial dispute. Accordingly the Governor of Haryana, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal, for adjudication,—vide Government Gazette Notification No. ID/RK/140C-70/7908, dated 17th March, 1970.

Whether the termination of services of Shri Kewal Singh was justified and in order? If not, to what relief is he entitled?

On receipt of the reference usual notices were issued to the parties in response to which Shri Rajinder Singh appeared on behalf of the workman but no body appeared on behalf of the management inspite of service. The case was therefore adjourned for ex-parte evidence of the workman. His representative Shri Rajinder Singh has however made a statement that a compromise has been effected between the parties and the workman has received all his dues and he does not wish to go back to the service of the management. As per the statement of the representative of the workman I hold that the workman is not entitled to any relief. I give my award accordingly. No order as to cost.

P. N. THUKRAL,

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

Dated 3rd September, 1970.

No. 1305, dated 4th September, 1970

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

Dated 3rd September, 1970

The 11th/16th September, 1970.

No. 8044-1 Lab-70/27042.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad in respect of the dispute between the workmen and the management of M/s Haryana Milk Foods, Pehowa (Karnal).

BEFORE SHRI P.N. THUKRAL, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,  
FARIDABAD

Reference No. 12 of 1970  
between

SHRI LAL SINGH WORKMAN AND THE MANAGEMENT OF M/S HARYANA MILK FOODS,  
PEHOWA, (KARNAL)

Present :—

Shri Brij Lal and Harbans Lal for the workman.  
Shri Roshan Lal Gupta for the management.

## AWARD

Shri Lal Singh was in the service of M/s Haryana Milk Foods, Pehowa (Karnal). His services were terminated, and this gave rise to an industrial dispute. Accordingly the Governor of Haryana, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal, for adjudication, vide Government Gazette Notification No. ID/9781, dated 3rd April, 1970,

“Whether the termination of services of Shri Lal Singh was justified and in order? If not, to what relief is he entitled?”

On receipt of the reference usual notices were issued to the parties in response to which a statement of claim was filed on behalf of the workman and the management filed the written statement. It is pleaded on behalf of the workman that he joined the service of the respondent as a Supervisor on 14th June, 1968 at Rs 900 P.M. and in his capacity as Supervisor he was required to go from village to village and door to door in connection with procurement survey of the milk and in addition he was to handle the machine at the time of production. The workman states that his services were terminated on 4th November, 1969 in a mala fide manner without assigning any reason or giving him any charge sheet. He maintains that the termination of his service is illegal, unconstitutional and void and is not based on the principles of natural justice. The workman states that he is unemployed and claims reinstatement with continuity of service and full back wages.

The defence of the management is that Shri Lal Singh was employed as an Assistant Manager Production purely in a managerial and supervisory capacity and he was being paid Rs. 900 P.M. as his salary in addition to free furnished accommodation and conveyance, so he was not a workman as defined under the Industrial Disputes Act. It is further alleged that Shri Lal Singh resigned his job of his own accord and his resignation was accepted and the acceptance was conveyed to him on the same day and on his request a service certificate was also issued to him. It is alleged that although Shri Lal Singh ceased to be in the service of the Company and he was paid off in full and final settlement on 6th November, 1969 yet some of the articles continued to be in his possession. These order of reference is said to be illegal because the provisions of section 2 A of the Industrial Disputes Act are not attracted as Shri Lal Singh had himself resigned his job. The workman was given an opportunity to file his rejoinder to the written statement but he did not avail of this opportunity. The pleadings of the parties gave rise to the following issues :—

(1) Whether Shri Lal Singh was employed as an Assistant Manager Production at Rs. 900 P.M. and was performing purely a managerial and supervisory duty ?

(2) Whether Shri Lal Singh resigned his job of his own accord which was accepted and he has been paid off his dues in full and final settlement.

The management did not produce any evidence because their documents have been admitted on behalf of the workman. In rebuttal Shri Lal Singh appeared as a witness in support of his case. I have heard the learned representatives of the parties and have carefully gone through the record. My findings are as under :—

#### *Issue No. 1.*

The management have not led any evidence to prove that the duties of Shri Lal Singh were purely managerial or supervisory. Shri Lal Singh in his statement of claim had pleaded that he was appointed as a Supervisor and his job was to go from village to village and from door to door in connection with the procurement survey of milk and in addition he was to handle the machine at the time when the production began. He alleged that his appointment was primarily made for handling the machinery and he was not authorised by the management either to appoint any person or to terminate the services of any employee. The management in their written statement have not controverted any of these allegations nor any evidence has been led to prove that Shri Lal Singh was to work in a managerial or supervisory capacity. I therefore find this issue in favour of the workman.

#### *Issue No. 2.*

The management have produced the letter of resignation dated 4th November, 1969 and the order accepting the resignation as also a certificate of service which was duly received by Shri Lal Singh. A letter regarding the return of the furniture and other articles of the company have also been produced. The workman gave a receipt dated 6th November, 1969 in which he acknowledged the receipt of Rs. 1180 in full and final settlement of his claim. A copy of the letter written by Shri Lal Singh to the Shop Inspector (Haryana) Government in which he stated that "he was forced by the circumstance to submit his resignation with effect from 4th November, 1969." has also been filed. All the documents are admitted by Shri Lal Singh.

In his statement Shri Lal Singh has come up with a all together new plea which was not taken up by him either in the notice of demand or in his claim statement. In fact the version which Shri Lal Singh gave in his evidence before the Tribunal was not taken up by him previously in any of his written communications to the authorities. The plea which Shri Lal Singh has now taken up is that on 3rd November, 1969 at about 9 P.M. Shri Raghu Nath Bansal came to his house and told him that the Managing Director of the respondent concern wanted to meet him at Rajpura on the next day and accordingly he took a Bus leaving at 7.30 A.M. on the next day and met the Managing Director at 10 A.M. Shri Lal Singh states that the Managing Director was alone in his office at that time and he told him to submit his resignation there and then. Shri Lal Singh says that he enquired from him the reason for demanding his resignation and asked him whether his work was not considered satisfactory upon which Managing Director again told him to resign otherwise he would see what would happen. It is stated that thereafter two person armed with Pistols came inside the room of the Managing Director and they told him to comply with the order of the Managing Director and they took out their pistols. Shri Lal Singh says that as his life was in danger, he wrote out the letter of resignation and also signed the voucher and wrote on it that he had received the dues in full and final settlement. He however admits that he was in fact paid Rs. 1180. Shri Lal Singh further says that he returned to Karnal after this incident and met the Labour Officer, Karnal and narrated to him the whole

accurance, as to how his resignation has been obtained from him after putting him in fear of death. Shri Lal Singh says that the Labour Officer advised him to give every thing in writing to the Managing Director and send a copy to him and accordingly he wrote the letter on the same day copy of which is Ex. W.W. 1/1 to the Managing Director under postal certificate marked Ex. W.W. 1/2 and a copy of it was also sent to the Labour Officer under postal certificate. It is true that the communication copy Ex. W.W. 1/1 substantially corroborates the version of the workman as given by him in this Tribunal but the representative of the management denied that this communication was ever received by them. The workman has also not formally not called upon the management to produce the original letter and as already pointed out the management had no opportunity to meet the case which the workman set up for the first time in his evidence. The workman has also not summoned the Labour Officer to whom he is supposed to have narrated the whole occurrence on the same day. It is not alleged that the Labour Officer in question is not available or that he has been won over by the other party and was not expected to speak the truth. The workman has not even got summoned the copy of the letter Ex. W.W. 1/2 from the office of the Labour Officer and there is no explanation as to why it has not been done. Thus the workman has not produced the evidence which must have been available to corroborate his version and an adverse inference does arise against the workman for not producing the necessary evidence. Obviously is not possible to accept the uncorroborated testimony of the workman that he did actually write the letter on 4th November, 1969 as stated by him. The Postal Certificate Ex. W.W. 1/2 does not indicate the nature of the communication sent under it.

I also agree with the learned representative of the management that the communication Ex. W.W. 1/1 also does not appear to have been written on 4th November, 1969 as stated by the workman. The very opening words of this communication are "on 4th November 1969 I was called by you at Rajpura by a special messenger ....."

The learned representative of the management has rightly pointed out that if the communication copy Ex. W.W. 1/1 had been actually written on 4th November, 1969 then the workman would not have started by this letter with the words that "4th November, 1969 I was called by you. . . ." because according to the version of the workman the alleged occurrence had taken place on 4th November, 1969 and if he was also writing the letter on the same day he would have started this letter with the word "Today I was called by you." The fact that he started the letter with the word "on 4th November, 1969 I was called by you at Rajpura...." shows that this letter was actually written after 4th November, 1969 and not on the same day. Secondly putting a man in fear of death by pointing a pistol at him and forcing him to submit his resignation is quite a serious matter. The workman says in cross examination that he did go to the police station and narrated the whole occurrence to the Officer Incharge but he was told that since he had not received any injury no cognizable offence was made out and so his report was not recorded. The workman says that he did not consult any Advocate in order to find out whether any action could be taken against the Managing Director for forcing him to submit his resignation by putting him in fear of death.

It is really surprising that the version given by the workman in Court should not have seen the light of the day in any of the earlier communication. The workman in his notice of demand dated 12th December, 1969 copy of which was sent to the Labour Cum-Conciliation Officer simply wrote that he had been serving the respondent firm honestly and faithfully to their entire satisfaction and although he was assured that his service would be continued till the time he desired to serve them but unfortunately his services have been terminated without any cause with effect from 4th November, 1969. Even in the claim statement in which the workman was required to give a true picture, it is simply alleged in para No. 2 that his services had been terminated on 4th November, 1969 without any cogent reason and the termination of his service was mala fide as it was done without assigning any reason or giving him any charge sheet etc. In view of all these circumstances I am constrained to come to the conclusion that the version which the workman has given in Court as a witness is purely an after-thought and has been made up simply with a view to wriggle out all the letter of resignation which he had himself given. It may be that the workman on his own did not wish to resign and the management might have asked him to resign his job but the version that the Managing Director called two people who were armed with pistols and they took out their pistols and forced the workman to write down his letter of resignation by putting him in fear of death appears to be a wholly made up story. In my opinion the submission of the management that the provisions of section 2A of the Industrial Disputes Act are not at all attracted because the workman himself resigned his job is correct. I agree with the learned representative of the management that in fact there was no termination of the services of the workman by the management. The services of the workman stood terminated by reason of his own resignation which was of course accepted by the management, on the same day on which it was submitted and he was relieved immediately. The termination of his services of the workman can not be said to be illegal. He is not entitled to any relief. I give my award accordingly.

Dated the 2nd September, 1970.

P.N. THUKRAL,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 1305, dated the 4th September, 1970.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 2nd September, 1970.

P.N. THUKRAL,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.